

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2452

March 21, 2014

SUMMARY OF BILL: Authorizes first, second, and third DUI offenders to serve their sentences in an alternative confinement facility with a court approved DUI education program.

Authorizes a court to approve an offender commencing service of a sentence in a court approved DUI education program if the county jail or workhouse is over capacity. Requires a DUI offender to commence service of the sentence immediately upon conviction, rather than within 90 days.

Redefines "alternative facilities" to include alternative overnight confinement facility with a court approved DUI education program.

Authorizes a DUI offender who enters an inpatient alcohol and drug treatment program rather than incarceration to serve the remainder of the sentence in an alternative confinement facility with a court approved DUI education program after finishing treatment.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$780,600/ADAT

Decrease Local Expenditures – \$1,561,300/Incarceration**

Assumptions:

- Under current law, a DUI offender must serve 48 hours for a first offense, 45 days for a second offense, and 120 days for a third offense. The proposed legislation would allow the court to approve service in an alternative confinement facility with a court approved DUI education program.
- According to statistics from the Department of Safety, there has been an average of 843.6 third offense DUIs, 2,673.2 second offense DUIs, and 14,098.4 first offense DUIs each year for the past five years. It is assumed that 10 percent of these offenders will receive alternative confinement under the proposed legislation. Of these offenders, it is assumed that 50 percent will be indigent and will have access to Alcohol and Drug Addiction Treatment (ADAT) program funds to pay for the alternative confinement.
- The estimated 2014 cost per inmate per day for local jails is \$62.52.

- The proposed legislation will result in a decrease in local expenditures in the amount of \$1,561,266.95 [(84.36 offenders x \$62.52 x 120 days) + (267.32 offenders x \$62.52 x 45 days) + (1,409.84 offenders x \$62.52 x 2 days)].
- It is assumed that 50 percent of the offenders that receive the alternative confinement will be funded through ADAT. The proposed legislation will result in an increase in state expenditures of \$780,633.47 {[(843.6 offenders x \$62.52 x 120 days) + (267.32 offenders x \$62.52 x 45 days) + (1,409.84 offenders x \$62.52 x 2 days)] x .5}.

***Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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